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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,777	04/14/2004	Aleksey Yurievich Kolesnychenko	081468-0309196	4703

909 7590 01/24/2008  
PILLSBURY WINTHROP SHAW PITTMAN, LLP  
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EXAMINER

MATHEWS, ALAN A

ART UNIT	PAPER NUMBER
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2851

MAIL DATE	DELIVERY MODE
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01/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,777	<b>Applicant(s)</b> KOLESNYCHENKO ET AL.	
	<b>Examiner</b> Alan A. Mathews	<b>Art Unit</b> 2851	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 6, 13, 14 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 12, 15-23, 25, 27 is/are rejected.
- 7) ☒ Claim(s) 10, 11 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                  |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                             | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/7/07</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 19, 2007, has been entered.

### ***Claim Rejections - 35 USC § 112***

2. Claim 15 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 15, "wherein the barrier is positioned radially outwardly of a drainage ditch or barrier ---" is confusing. The barrier cannot be positioned radially outwardly of itself. Is Applicant actually referring to a different "barrier" than the "barrier" recited on the first line of claim 15. Claim 27 suffers the same ambiguity that claim 15 suffers.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1- 4, 7-9, 12, 15-23, 25, 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Novak (U. S. Patent Application Publication No. 2006/0023181 A1). Since Novak '181 is a continuation of a PCT application filed in the US, the 102(e) date goes back to at least April 1, 2004 (but with a Provisional application being claimed in the reference, the date actually goes back to April 10, 2003). Novak '181 discloses in figure 1 a lithographic apparatus 10 having an illumination system 14, a support structure 18 to hold patterning device 28, a substrate table 20 to hold substrate 30, and a projection system 16. Figure 2A and paragraph # 0044 discloses a liquid supply system 252 (including nozzles 258) to supply a liquid to a localized area of the substrate 30. Figure 2A and Figure 2B and paragraph # 0044 discloses a second recovery system 256 which comprises a barrier to collect liquid. Figure 2A and Figure 2B and paragraphs # 0068 - # 0072 disclose that the barrier comprises a groove (channel) 287 including a sloped region 282 and a collection region 284. With respect to claims 2 and 20, paragraph # 0071 discloses a first embodiment wherein the boundary region is on the same plane

as the bottom of the wafer 30 and a second embodiment wherein the top surface of boundary region 280 can be approximately the same height as the top of the wafer 30. In this second embodiment, the **boundary region would be considered to be a projection** as compared to the first embodiment. With respect to claim 3, paragraph # 0080 discloses the use of a hydrophilic (liquidphillic) coating. With respect to claim 7, paragraph # 0076 discloses a second recovery device 286 which includes a low pressure source that creates a low pressure in the collection region 284. The second recovery device 286 can include multiple pumps, multiple reservoirs, valves, or other components. With respect to claim 9, the second recovery device 286 is separate from immersion fluid source 260. With respect to claims 16 and 17, paragraph # 0072 discloses that the sloped region 282 is generally annular shaped, which means that the barrier extends substantially around an outer edge or portion of the substrate table. Also, paragraph # 0071 discloses that the top surface of boundary region 280 is annular shaped. With respect to claim 18, the groove (boundary) surrounds the closure 254 configured to seal the liquid supply system. It is noted that claim 18 recites the alternative expression "and/or".

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novak (U. S. Patent Application Publication No. 2006/0023181 A1 as applied to claim 1 above, and further in view of either Saten et al. (U. S. Patent Application Publication No. 2002/0020821 A1, cited in one of Applicant's IDSs) or Novak et al.'182 (U. S. Patent Application Publication No. 2006/0023182, cited in one of Applicant's IDSs) or Loft et al. (U.S. Patent 6,952,253, cited in one of Applicant's IDSs). Novak '181 discloses the invention except for disclosing that the liquid can be transported along the groove under capillary action. Saten et al. '821 discloses in paragraphs # 0019 and # 0039 transporting a liquid by capillary liquid forces. Novak et al.'182 discloses in paragraphs # 0007 and # 0063, conveying liquid by capillary action. Lof et al. '253 discloses in column 5, lines 32-38, drawing liquid by capillary forces. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to transport the liquid in the grooves in Novak '181 by capillary forces in view of either Saten et al. '821, or Novak et al.'182 or Lof et al. '253 for the purpose of improving and simplifying the transportation of the liquid.

*Allowable Subject Matter*

7. Claims 10, 11, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The reasons for the indicated allowability of the claims are as follows:

The prior art does not disclose or suggest further comprising a surface acoustic wave generator configured to generate surface acoustic waves in the barrier to facilitate transport of the liquid along the barrier in combination with all the other elements recited in independent claim 10.

The prior art does not disclose or suggest the step of generating surface acoustic waves in the barrier to facilitate transport of the liquid along the barrier in combination with all the other elements recited in independent claim 24.

### *Conclusion*

8. Claims 6, 13,14, and 26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 16, 2007.

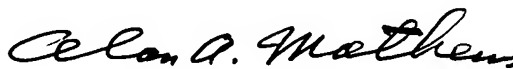
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan A. Mathews whose telephone number is (571) 272-2123. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on (571) 272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alan A. Mathews  
Primary Examiner  
Art Unit 2851

AM